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## FISCAL IMPACT REPORT

SPONSOR Rainaldi DATE TYPED 2/4/2004 HB \_\_\_\_\_

SHORT TITLE Boat Act Violations and Penalties SB 225

ANALYST Valenzuela

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	NFI		NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Energy, Minerals and Natural Resources Department  
 Department of Public Safety  
 Administrative Office of the Courts

### SUMMARY

#### Synopsis of Bill

Senate Bill 225 decreases the penalty for a violation of the Boat Act from a misdemeanor to a petty misdemeanor. A person who violates a provision of the Boat Act shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978. This bill also repeals Section 66-12-24, Boat Act violation; penalty. The effective date of the provisions of this Act is July 1, 2004.

#### Significant Issues

The language in Section 66-12-23 is outdated and is no longer consistent with the definition of crimes in the sections of other state law that detail penalties for petty misdemeanors. This bill would clearly state that the penalties for a violation of the Boat Act would be a petty misdemeanor and would be sentenced pursuant to provisions of the sentencing authority for misdemeanors rather than a strict dollar or sentence amount as currently ordered by the act.

Additionally, it is necessary to repeal Section 66-12-24. This is a new section that was added as a result of new legislation passed in last year's session that was intended for boat dealers, which is addressed by NMSA 1978, Section 66-4-9, in identical language.

**FISCAL IMPLICATIONS**

Senate Bill 225 does not contain an appropriation. Enactment would not have a significant fiscal impact. There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes.

**MFV/lg**